

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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XCOAL ENERGY & RESOURCES,

Plaintiff / Counterclaim Defendant,

v.

BLUESTONE ENERGY SALES CORP.,  
SOUTHERN COAL CORP., and  
JAMES C. JUSTICE II,

Defendants / Counterclaim Plaintiffs.

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C.A. No. 18-819-LPS

**JUDGMENT**

At Wilmington this 14<sup>th</sup> day of April, 2021:

This matter came before the Court for a remote bench trial (using videoconferencing technology) that stretched across six days in August and September 2020. (*See* D.I. 132-35, 152-55) Thereafter, the parties submitted post-trial briefing (D.I. 148, 150, 156-59) and post-trial proposed findings of fact (D.I. 147, 149, 151). On March 29, 2021, the Court issued an Opinion (D.I. 162) and Order (D.I. 163) finding in favor of Plaintiff Xcoal Energy & Resources (“Xcoal”) and against Defendants Bluestone Energy Sales Corporation (“Bluestone”), Southern Coal Corporation (“SCC”), and James C. Justice, II (“Governor Justice” and, together with Bluestone and SCC, “Defendants”) on Counts I, II, and III of the Complaint and on Counts I, II, and III of the Counterclaims. Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** that:

1. Defendants’ Motion to Dismiss (D.I. 139) is denied.
2. Defendants’ Motion for Judgment pursuant to Federal Rule of Civil Procedure 52(c) (Trial Tr. Vol. E at 707-39) (9/18/20)) is denied.
3. Judgment is entered in favor of Xcoal and against Bluestone on Count I of the

Complaint for Breach of the CSA.

4. Judgment is entered in favor of Xcoal and against SCC and Governor Justice on Count II of the Complaint for Breach of the Guarantee and SCC and Governor Justice are responsible pursuant to the Guarantee to pay Xcoal's damages awarded herein.

5. Judgment is entered in favor of Xcoal and against all Defendants on Count III of the Complaint for Declaratory Relief.

6. Judgment is entered in favor of Xcoal and against all Defendants on Count I of the Counterclaim for Breach of Contract.

7. Judgment is entered in favor of Xcoal and against all Defendants on Count II of the Counterclaim for Fraudulent Inducement.

8. Judgment is entered in favor of Xcoal and against all Defendants on Count III of the Counterclaim for Declaratory Judgment.

9. Judgment is entered in the total amount of **\$6,814,105.30** in favor of Xcoal and against Bluestone as to Count I of the Complaint and in favor of Xcoal and against SCC and Governor Justice as to Count II of the Complaint.

10. Judgment is entered in favor of Xcoal and against all Defendants for Declaratory Relief consistent with the Judgments referred to above with respect to Counts I-III of the Complaint and Counts I-III of the Counterclaims.

11. The Court directs the Clerk to immediately enter Judgment in the amount of **\$6,814,105.30** against Defendants Bluestone, SCC, and Governor Justice, jointly and severally, and in favor of Xcoal.

  

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HONORABLE LEONARD P. STARK  
UNITED STATES DISTRICT JUDGE